

SENATE BILL 913  
By Gilbert

AN ACT to amend Tennessee Code Annotated, Section 33-1-209; and Section 38-6-114, relative to criminal background checks on persons employed to work with or have contact with persons with developmental disabilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 33-1-209, is amended by adding the following language as a new, appropriately designated subsection:

(c) (1) Within nine (9) months of the effective date of this act all organizations which have employees that have been with the organization for less than one (1) year who work with or have contact with persons with developmental disabilities on either a full or part-time basis must conduct criminal background checks on such employees and on all new employees who are hired after the effective date of this act to work with or have contact with persons with developmental disabilities on either a full or part-time basis. Those employees who have been with the organization for less than one (1) year shall within such time period supply a fingerprint sample for a criminal background check to be conducted by the Tennessee bureau of investigation or an agency that provides equivalent background check services. All new employees who work with or have contact with persons with developmental disabilities on either a full or part-time basis hired after the effective date of this act shall, within ten (10) days of beginning employment, supply a fingerprint sample for a criminal background check to be conducted by the Tennessee bureau of investigation or an agency that provides

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equivalent background check services. Such organizations shall retain and have on file reports of such checks.

(2) All applicants for employment with organizations described in subdivision (1) shall be informed that background checks will be run. All applicants must list any prior conviction by any local, state, federal, or military court of any felony or any other conviction involving sexual crimes, including but not limited to rape, sexual assault, sexual battery, exhibitionism, voyeurism, or an attempt to commit any of such sexual crimes; homicide or attempted homicide; felonious assault or attempted felonious assault; unlawful breaking or entering; robbery; burglary; theft; or arson. Further, if the applicant is required to register or has registered with the registry of sexual offenders in accordance with Tennessee Code Annotated, Section 38-6-110, the applicant shall disclose such information.

(3) Any costs incurred by the Tennessee bureau of investigation or an agency that provides equivalent background check services in conducting such investigation of applicants shall be paid by the organization requesting such investigation and information. If the background check is conducted by the Tennessee bureau of investigation, payment of such costs are to be made in accordance with the provisions of §38-6-103.

SECTION 2. Tennessee Code Annotated, Section 38-6-114, is amended by designating the existing language as subsection (a), and by adding the following language to be designated as subsection (b):

(b) The Tennessee bureau of investigation, at the request of an organization which has employees who work with or have contact with persons with developmental disabilities on either a full or part-time basis, pursuant to Section 1 of this act, shall receive fingerprint samples from such organization and shall check such prints against its records and, to the extent permitted by federal law, also check such prints against

records maintained by the federal bureau of investigation to determine if prior criminal convictions exist.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.